

Town of Otsego Planning Board

Minutes, December 6, 2022

(Will be approved with any necessary amendments at the next meeting)

REGULAR MEETING

The monthly meeting of the Town of Otsego Planning Board was held on this date at the Town Office Building in Fly Creek, New York. Chairman Tom Huntsman called the meeting to order at 7:01 PM and led the Pledge of Allegiance.

Clerk Bill Deane took roll call. Board members present were Huntsman, Sharon Kroker, Elizabeth Horvath, Steve Talevi, and Antoinette Kuzminski. May Leinhart, Chip Jennings, and alternate member Rosemary Brodersen were absent. Deane reminded the Board that four votes were needed to pass any motion. Zoning Enforcement Officer Wylie Phillips and Planning Board Attorney Jill Poulson were also present.

The Board reviewed the minutes of November 1, 2022, e-mailed to the members. Kuzminski moved to approve them as written. Kroker seconded the motion and it was approved, 5-0.

Deane said that there was correspondence received since the last meeting. Chairman Huntsman read aloud some e-mails he had received from Talevi and Horvath.

Chairman Huntsman asked if anyone had a conflict with any of tonight's applicants. Horvath said she had a conflict with the Marini application.

Huntsman asked if anyone from the public had comments on a non-agenda item. Chloe Ford said she is interested in buying a home at 940 County Highway 26 (RA1 district), but only if she can continue a home business she has been occupied in. Per her December 2 e-mail to Phillips, "I am a baker who sold bread, pastries, and chocolates at the Cooperstown Farmer's Market for over three years but no longer have a kitchen space that I can work out of. I am looking into purchasing this property and would like to convert the [detached] garage into a kitchen that I would run my business out of. It would not be a retail space but would be a certified kitchen that would allow me to sell my breads and pastries to other local retailers and at the Farmer's Market. I would also want to give occasional small baking classes in the space." Phillips said that "commercial kitchen" is not listed as a home occupation in Section 6.03 of the *Land Use Law*, but "Any use not listed here shall submit (sic) information for a determination as to the applicability of home occupation status to the Planning Board. No public hearing or site plan is required; a simple description of the business to the Board is sufficient." Members asked Ford questions about the proposed project. She said there was ample parking, and there would be fewer than six people in any classes she led, and no more than two commercial deliveries per week. Kuzminski moved to find that the proposed project as described is consistent with the Town's definition of "home occupation," requiring no further Board review. Kroker seconded the motion and it was approved, 5-0.

Deane noted that applicant Laura Janowicz had asked to table her application until March 7, 2023, and agreed in writing (e-mail filed) to "stop the clock" on the Board's 62-day deadline to make a decision following last month's public hearing.

The Board moved on to applications.

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APPLICATIONS

James & Joan Marini (Sophia Gonzales/Redpoint Builders) – Site plan review, construction of retaining wall & stairs within 100 feet of Otsego Lake in RA1 district – 6616 State Highway 80 (#84.08-1-34.02)

Elizabeth Horvath recused herself and left the meeting table. Clerk Bill Deane read aloud from the Planning Board’s minutes of November 1 relevant to the application. Deane said the Marini application had gone back and forth between the Planning Board and Zoning Board of Appeals since June. On September 20, the ZBA held a public hearing with no comments, and approved a variance from *Land Use Law* 4.04, which prohibits construction within 100 feet of Otsego Lake, specific to the project submitted. Redpoint Builders representative Tim Horvath said he hoped to start the project in the spring.

Chairman Huntsman went through the site plan requirements in Section 8.04 of the *Land Use Law*. He indicated that all had been met, and noted a letter from the Department of Environmental Conservation, saying they had no concerns about the proposed project.

The Board discussed State Environmental Quality Review (SEQR). Sharon Kroker moved to deem this a Type II action per SEQR Section 617.5(c)(12). Antoinette Kuzminski seconded the motion and it was approved, 4-0.

Kroker moved to waive the public hearing due to the ZBA hearing result. Kuzminski seconded the motion and it was approved, 4-0.

Kroker moved to deem the application complete. Kuzminski seconded the motion and it was approved, 4-0.

Kroker moved to approve the site plan as submitted. Kuzminski seconded the motion and it was approved, 4-0. Chairman Huntsman stamped the site plan “approved,” with a copy given to Tim Horvath. Elizabeth Horvath returned to the meeting table.

CAND Corp. (Bart Burr) – Site plan review, special permitted use, restaurant in GB2 district – 6208 State Highway 28 (#114.05-1-37.00)

Nobody appeared on behalf of this application. Zoning Enforcement Officer Phillips gave a brief description of the proposed project, and said he would contact the applicant.

OTHER BUSINESS

Zoning Enforcement Officer Phillips reported that he had issued a violation notice, and that there was one application on the ZBA’s agenda.

The Board discussed 2023 personnel. Attorney Jill Poulson and Clerk Bill Deane are up for reappointment. Elizabeth Horvath moved to appoint/reappoint Poulson for 2022-23. Antoinette Kuzminski seconded the motion and it was approved, 5-0. Chairman Huntsman moved to reappoint Deane for 2023. Sharon Kroker seconded the motion and it was approved, 5-0.

Sharon Kroker said she had attended the November 9 Town Board meeting as Planning Board liaison. Among the items discussed were the 2023 budget, continuing education for Town personnel, and Jerry Miller's petition for a zoning change to accommodate his proposed house, as discussed during the October Planning Board meeting. Kroker said discussion about the annexation of Village property was tabled. Steve Talevi is scheduled as Planning Board liaison for the December 14 Town Board meeting, but said he could not make any Wednesday meetings before April. Chairman Huntsman said he could pinch-hit, but asked Talevi to remind him the day before. Deane said new liaison assignments will be needed starting in January. After discussion, the following assignments were agreed upon: Antoinette Kuzminski (January 11), Horvath (February 8), Huntsman (March 8), Talevi (April 12 and May 10), Rosemary Brodersen (June 14), May Leinhart (July 12), and Kroker (August 9).

Deane noted that the Board still needs replacements for Chip Jennings and the second alternate position. The Board discussed that and training requirements. Chairman Huntsman said he would talk to Ted Feury and to Town Supervisor Ben Bauer.

Talevi formally proposed an amendment to the Planning Board by-laws, setting the meeting start-time to 7:00 year-round. Horvath and Huntsman said they would prefer a 7:30 start-time. Talevi said he was agreeable, as long as the time was consistent year-round. Kuzminski moved to amend the Planning Board by-laws, setting the monthly meeting start time to 7:30 year-round. Horvath seconded the motion and it was approved, 5-0. Deane said he would e-mail amended by-laws to the members, and submit a legal notice about the time change.

Deane discussed the January 3, 2023 agenda, noting the new 7:30 start time. Only CAND Corp. remains on, and Zoning Enforcement Officer Phillips said he knew of no other brewing applications. The Board could discuss appointing a vice-chairman. Chairman Huntsman said that, if there are no new applications received within the next two weeks, and CAND is not ready to go, he might cancel the January meeting.

With no further business, at 7:51 PM Kroker moved to adjourn the meeting.

Respectfully submitted,
Bill Deane, Planning Board Clerk